

MR2563-150

Serial Number: 10/759,030

Response to Office Action Dated 8 September 2005

**REMARKS/ARGUMENTS**

This case has been carefully reviewed and analyzed in view of the Official Action dated 8 September 2005. Responsive to the rejections made in the Official Action, Claims 1 and 3 have been amended to clarify the combination of elements that form the invention of the subject Patent Application.

In the Official Action, the Examiner rejected Claims 1 and 3 – 4 under 35 U.S.C. § 102(b) as being anticipated by Glucksman (U.S. Patent 5,601,636).

Before discussing the prior art relied upon by the Examiner, it is believed beneficial to briefly review the invention of the subject Patent Application as now defined by the amended claims. The inventive concept is directed to a decorative lighting device. The lighting device is comprised of a front panel that has a predetermined design contour and an opening in the front panel defining a window. There is a windmill mounted behind the front panel that is in alignment with the window. There is a first set of light-emitting elements mounted on the front panel to produce a lighting effect. Additionally, there is a fixing frame that is coupled to the front panel and a rear plate that is coupled to the fixing frame. As more clearly recited in amended Claim 1, there is a second set of light-emitting elements mounted on the rear plate for transmitting light through the windmill.

In contradistinction, the Glucksman reference is directed to a wall mounted air cleaner assembly. The air cleaner assembly 10 includes a cylindrically shaped housing 12 and a rear housing 60. The rear housing 60 includes a rear panel 28

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including an internal space of the air cleaner assembly 10. The front housing 12 includes a circularly shaped cover 14 defining an air outlet grill 22 (Examiner equates to a window) which may be rotatable within the front housing 12. There are light indicators 25A and 25B placed next to control switches to indicate the mode of operation of the air cleaner assembly 10. There is a conventional fan 74 mounted on and driven by a motor 68 for blowing air towards the grill 22.

Nowhere does the reference disclose or suggest, "... said rear plate having a second set of light-emitting elements mounted thereon for transmitting light through said windmill ..." Although Glucksman discloses the use of light indicators 25A and 25B, the reference only contemplates the use of two indicators which indicate the mode of operation of the air cleaner assembly 10. Whereas, Applicant teaches the use of light-emitting elements that are not only mounted on the front panel but also mounted on the rear plate. This allows for an increased visual effect, which is one of the main purposes of the subject Patent Application. Having light-emitting elements not only on the front panel but on the rear panel creates a unique visual image for the decorative light device with the windmill. Specifically having lights on the rear plate transmits light through the windmill which creates an enhanced visual image. This novel concept is neither contemplated nor disclosed by the Glucksman reference. Furthermore, as mentioned, the purpose of the light indicators as disclosed in Glucksman is merely to indicate the mode of operation of the air cleaner assembly and it is obvious

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from the figures and the disclosure of the reference that the light indicators are not present to produce a unique visual image.

Therefore, as the reference fails to disclose or suggest, "...said rear plate having a second set of light-emitting elements mounted thereon for transmitting light through said windmill ..." as shown in currently amended Claim 1, it is not believed to anticipate the invention of the subject Patent Application as now claimed. Further, as the reference fails to suggest the combination of elements now claimed, it cannot make obvious that claimed invention. Additionally, Claims 3 and 4 are ultimately dependent upon now amended independent Claim 1 and are believed to be at least patentably distinct for the same reasons as independent Claim 1.

In the Official Action, the Examiner rejected Claim 2 under 35 U.S.C. § 103 as being unpatentable over Glucksman (U.S. Patent 5,601,636) as applied to Claim 1 and further in view of Yu et al. (U.S. Patent 5,350,332). In the rejection, the Examiner admits that Glucksman discloses the invention as claimed except for a supporting pike connected to a rear part of the front panel for supporting the decorative lighting device. The Examiner then cites Yu et al. for disclosing a toy having a windmill and a supporting pike connected to the rear part of the front panel. The Examiner then concludes that it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the air cleaner

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assembly of Glucksman with the supporting pike as shown in Yu et al. to make the air cleaner portable with a built-in power source such as a battery.

While it is believed that dependent Claim 2 adds further patentably distinct limitations, that claim is at least patentably distinct for the same reasons as independent Claim 1.

The references cited by the Examiner but not used in the rejection are believed to be further remote from the subject inventive concept as now defined by the amended claims than that used by the Examiner in his rejection.

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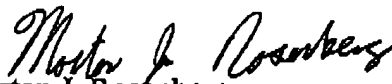
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It is now believed that the subject Patent Application has been placed fully  
in condition for allowance, and such action is respectfully requested.

Respectfully submitted,  
FOR ROSENBERG, KLEIN & LEE

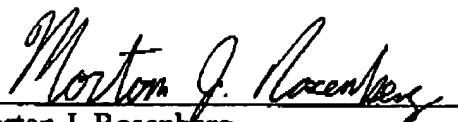
  
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